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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,530	01/21/2004	Behrouz Poustchi	3655/0270PUS2	1092
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MG-IP Law, PLLC PO BOX 1364 FAIRFAX, VA 22038-1364			EXAMINER ADDY, THUAN KNOWLIN	
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			10/14/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/760,530	<b>Applicant(s)</b> POUSTCHI ET AL.	
	<b>Examiner</b> THJUAN K. ADDY	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6,17-41,47-49 and 53-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,22,40,41 and 47-49 is/are allowed.
- 6) ☒ Claim(s) 17-21,23-39 and 53-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on September 23, 2009 has been entered. Claims 6, 47, 48, and 60 have been amended. Claims 1-5, 7-16, 42-46, and 50-52 have been cancelled. No claims have been added. Claims 6, 17-41, 47-49, and 53-60 are now pending in this application, with claims 6, 17, 22, 25, 26, 28, 30, 31, 40, 47, 48, 53, and 60 being independent.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Objections*

3. Claims 18-21, 23, 24, 27, 29, 32-39, 41, 49, and 54-59 are objected to because of the following informalities: Claims 18-21, 23, 24, 27, 29 and 41 recite "**A** network device..." in line 1. Examiner, however, believes that it should recite "**The** network device..." in line 1. Claims 29 and 32-39 recite "**A** system..." in line 1. Examiner, however, believes that it should recite "**The** system..." in line 1. Claims 49 and 54-59 recite "**An** article of manufacture..." in line 1. Examiner, however, believes that it should recite "**The** article of manufacture..." in line 1. Appropriate correction is required.

***Allowable Subject Matter***

4. Claims 6, 22, 40, 41, 47, 48, and 49 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: See Applicant's Arguments/Remarks of 09/23/2009.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 17-21, 23-39, and 53-60 are rejected under 35 U.S.C. 102(b) as being anticipated by Amick (US 6,088,437).
7. In regards to claims 17 and 53, Amick discloses a network device (e.g., office/destination telephone 11, See Fig. 4) and article of manufacture adapted to receive an incoming call (e.g., incoming call from source telephone 1), the network device comprising: a call processing function (e.g., Virtual Network Call Processor 20) adapted to: if the incoming call received at the network device was intended for the network device, enable a user to answer the incoming call at the network device (See col. 10 lines 51-63); and a call forwarding function (e.g., Call PULLBACK mechanism 22, See Fig. 4) adapted to if the incoming call received at the network device was intended for an other network device (e.g., intended recipient's home office 28 or mobile phone 26), look-up (via a list of stored candidate numbers at which the intended

Art Unit: 2614

recipient may be located) a call forwarding destination (e.g., home office 28 number or mobile phone 26 number) on behalf of the other network device, and initiate a connection with a network device having the call forwarding destination (See col. 8 lines 17-59).

8. In regards to claims 18 and 54, Amick discloses a network device, wherein the call forwarding function is adapted to provide call forwarding information (e.g., ANI and/or caller identification {XYZ Engineering Company}) to another network device defined as a backup for the network device (See col. 7 lines 12-30, col. 8 lines 17-22, and col. 8 lines 53-58).

9. In regards to claims 19 and 55, Amick discloses a network device and article of manufacture, wherein the network device is defined as a backup network device for the other network device (See col. 7 lines 40-56).

10. In regards to claims 20 and 56, Amick discloses a network device and article of manufacture, wherein the look-up is performed locally at the network device (See col. 8 lines 30-35).

11. In regards to claim 21, Amick discloses a network device, comprising a call processing module (e.g., Virtual Network Call Processor 20) adapted to process the incoming call, the processing module comprising the call forwarding function (e.g., Call PULLBACK mechanism 22) and the call processing function (See col. 7 lines 12-26).

12. In regards to claim 23, Amick discloses a network device, wherein the call forwarding function is adapted to send a message to a network device from which the

Art Unit: 2614

incoming call originates, the message containing a reference to the network device having the call forwarding destination (See col. 3 lines 39-50).

13. In regards to claims 24, 38, and 58, Amick discloses a network device, system, and article of manufacture, wherein the network device is one of a terminal set, a packet based telephone, a video phone, a PC (Personal Computer), a PDA (Personal Digital Assistant), a soft phone, a wireless device, and a wireless telephone (See col. 5 lines 4-10).

14. In regards to claim 25, Amick discloses a network device (e.g., office/destination telephone 11, See Fig. 4) adapted to receive an incoming call (e.g., incoming call from source telephone 1), the network device comprising: a call forwarding function (e.g., Call PULLBACK mechanism 22, See Fig. 4) adapted to: if the incoming call received at the network device was intended for an other network device (e.g., intended recipient's home office 28 or mobile phone 26), look-up (via a list of stored candidate numbers at which the intended recipient may be located) a call forwarding destination (e.g., home office 28 number or mobile phone 26 number) on behalf of the other network device, and initiate a connection with a network device having the call forwarding destination (See col. 8 lines 17-59), wherein the network device is a VoIP (Voice over Internet Protocol) telephone (See col. 9 lines 1-13).

15. In regards to claims 26, 28, 30, and 31, Amick discloses a network device (e.g., Virtual Network Call Processor 20) and system adapted to participate in call forwarding, the network device comprising: a call forwarding function (e.g., Call PULLBACK mechanism 22, See Fig. 4) adapted to: for a call initiated with a first other network

Art Unit: 2614

device (e.g., office/destination telephone 11, See Fig. 4), if the first other network device cannot be reached: look-up (via a list of stored candidate numbers at which the intended recipient may be located) a destination address (e.g., telephone number) for a second other network device (e.g., home office 28); initiate an other call to the second other network device; and responsive to receiving a first message (e.g., signal) from the second other network device containing a call forwarding destination, response with a second message (e.g., signal) to a network device having the call forwarding destination for setting up another call (e.g., call to mobile phone 26), the call forwarding destination being obtained by the second other network device on behalf of the first network device (See col. 8 lines 17-59).

16. In regards to claim 27, Amick discloses a network device, wherein the call forwarding function is further adapted to: for the call initiated with the first other network device, if the first other network device can be reached: responsive to a receiving a third message from the first other network device containing the call forwarding destination, send a fourth message to the network device having the call forwarding destination for setting up a call (See col. 8 lines 17-59).

17. In regards to claim 29, Amick discloses a network device, wherein the call forwarding function is further adapted to: if the first other network device cannot be reached: i) look-up a new destination address; ii) initiate a call with a network device having the new destination address; and iii) responsive to a receiving a first message from the network device having the new destination address, the first message containing a call forwarding destination, send a second message to a network device

Art Unit: 2614

having the call forwarding destination for setting up a call, the call forwarding destination being obtained by the network device having the new destination address on behalf of the first network device (See col. 8 lines 17-59).

18. In regards to claims 32 and 34, Amick discloses a network device, wherein for each network device the call forwarding function is adapted to: as the originator network device, the establishing a media path with the other network device comprises sending a message to the other network device containing a reference to the second call (See col. 9 lines 1-13).

19. In regards to claim 33, Amick discloses a system, wherein for each network device, as the original destination network device the call forwarding function is adapted to: if the first call is not intended for the network device, looking-up the call forwarding destination on behalf of an other network device for which the first call is intended (See col. 8 lines 17-59).

20. In regards to claim 35, Amick discloses a system, further comprising: a TTI (Thin Trunk Interface) having a call forwarding function adapted to provide local call forwarding functionality as a forwarder of a call for a network devices external to the network (See col. 8 lines 17-59).

21. In regards to claim 36, Amick discloses a system, further comprising: a TTI (Thin Trunk Interface) having a call forwarding function adapted to provide local call forwarding functionality as an originator of a call for a network devices external to the network (See col. 8 lines 17-59).



Art Unit: 2614

22. In regards to claim 37, Amick discloses a system, wherein for each network device: the second call is to a first other network device and as the originator network device the call forwarding function is adapted to: if the first other network device cannot be reached, look-up an address for a second other network device and send a message to the second other network device for setting up a call with the second other network device (See col. 8 lines 17-59).

23. In regards to claim 39, and 59, Amick discloses a system and article of manufacture, wherein the network device is a VOIP (Voice over Internet Protocol) telephone (See col. 9 lines 1-13).

24. In regards to claim 57, Amick discloses an article of manufacture, wherein the computer readable code means in the article of manufacture further comprises computer readable means for: responsive to the user input enabling call forwarding, delivering call forwarding functionality by, while call forwarding is enabled, upon receipt of the incoming call: if the incoming call was intended for the network device (e.g., office/destination telephone 11), looking-up an other call forwarding destination (e.g., intended recipient's home office 28 or mobile phone 26) and initiate a connection with a network device having the other call forwarding destination (See col. 8 lines 17-59).

25. In regards to claim 60, Amick discloses In a network device, a method comprising: responsive to receiving an incoming call from a first other network device: if the incoming call was intended for an other network device (e.g., intended recipient's home office 28 or mobile phone 26), looking-up (via a list of stored candidate numbers at which the intended recipient may be located) a call forwarding destination (e.g., home

Art Unit: 2614

office 28 number or mobile phone 26 number) on behalf of the other network device, and respond to the incoming call with the call forwarding destination, wherein responding to the incoming call with the call forwarding destination comprises sending a message (e.g., signal) to the first other network device (e.g., office/destination telephone 11) identifying the call forwarding destination (See e.g., home office 28 number or mobile phone 26 number) (See col. 8 lines 17-59).

### ***Response to Arguments***

26. Applicant's arguments with respect to claims 6, 17-41, 47-49, and 53-60 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/  
Primary Examiner, Art Unit 2614